

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL INSURANCE COMPANY,

Plaintiff,

v.

DELTA MARINE INDUSTRIES, INC.,

Defendant.

IN ADMIRALTY

NO. 10-1533

COMPLAINT

Plaintiff FEDERAL INSURANCE COMPANY, as and for its Complaint, alleges and avers as follows:

1. This is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and is within the jurisdiction of this Court pursuant to the general maritime law and 28 U.S.C. § 1333. Venue is proper in this court.

2. Plaintiff Federal Insurance Company ("Federal") is a business entity organized and existing under the laws of the State of Indiana with its principal place of business in Warren, New Jersey. At all times relevant hereto, Federal was the first-party property insurer of the vessel M/Y QUANTELL.

1 4. Defendant Delta Marine Industries, Inc. (hereinafter, "Delta Marine"), is a
2 corporation organized and existing under the laws of the State of Washington and has its
3 principal place of business in Seattle, Washington.

4 5. In 2008, Wayne Quinton hired Delta Marine to perform various repairs and
5 maintenance aboard his boat, the M/V QUANTELL. At Delta Marine's recommendation Mr.
6 Quinton requested that Delta Marine change the connection between the boat's 7.5 KW
7 generator and its power distribution system. Delta Marine installed a manual transfer switch for
8 this generator. Delta Marine could not test the manual transfer switch at the time of installation
9 because the boat was out of the water.
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11 6. About two months later on June 12, 2008, after the boat had been placed back in
12 the water, Delta Marine tested the manual transfer switch by operating the 7.5KW generator and
13 connecting it to the QUANTELL's power distribution system. Delta Marine failed to check the
14 correctness of the connections, wiring, or polarity of the manual transfer switch prior to
15 operating the 7.5 KW generator. Delta Marine had improperly wired the connections between
16 the manual transfer switch and the generator. When Delta Marine operated the 7.5 KW
17 generator, the improper wiring created an over voltage situation in the QUANTELL's power
18 distribution system that caused a fire in the boat's stereo system.
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21 7. At the time Delta Marine commenced work on the M/V QUANTELL, there was
22 no fire damage to the vessel.

23 8. The fire damaged the QUANTELL such that it became a constructive total loss.
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11. As a result of the fire damage, Federal paid \$2,143,050 to Mr. Quinton for the constructive total loss of the QUANTELL under an insurance policy that covered the vessel for fire, and incurred related costs and expenses in an amount to be proven at trial.

WHEREFORE, Plaintiff FEDERAL INSURANCE COMPANY prays for that the Court enter judgment against Delta Marine Industries, Inc. in an amount to be determined at trial, including pre-judgment interest, taxable costs, and legal fees incurred in pursuing this action; and such further relief as it deems just and proper.

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